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January 10, 2022

VIA ECF

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Dalaeja Foreman, et al. v. Metropolitan Transportation Authority, et al.*,
21-CV-3774 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing defendant City of New York (“City”) in the above-referenced matter. Pursuant to the Court’s instructions at the initial conference held on October 27, 2021, I write jointly with plaintiffs’ counsel and Metropolitan Transportation Authority (“MTA”) defendants’ counsel to provide a status update.

Prior to the initial conference, plaintiffs’ counsel indicated that her clients would not provide releases for their medical and psychotherapy records until a protective order was in place. In November 2021, counsel for defendant City drafted the Stipulation of Confidentiality and Proposed Protective Order (“Proposed Order”). The parties then negotiated and agreed to the terms in December 2021. On December 15, 2021, I filed the parties’ Proposed Order (Docket Entry No. 23), which the Court endorsed on December 16, 2021. (Docket Entry No. 24)

On November 7, 2021, plaintiffs provided releases for records sealed pursuant to N.Y. C.P.L. §§ 160.50 and 160.55. On November 18, 2021, the MTA defendants produced its initial set of documents, and on November 29, 2021, the MTA defendants served initial disclosures. On December 18, 2021, plaintiffs provided releases for medical records and copies of some of plaintiff Aracena’s mental health treatment records. Defendants City and MTA are in the process of obtaining certified medical records pursuant to the releases provided by plaintiffs, including a copy of the certified medical records for plaintiff Aracena to ensure completeness.

On December 18, 2021, plaintiffs, having reviewed the materials provided by the MTA, made settlement demands. Defendants are not yet in a position to respond to these demands

until they have plaintiffs' medical records and the records from the District Attorney and criminal court, which have been requested. Accordingly, the parties respectfully request an additional 60 days (until March 11, 2022) to continue to explore the possibility of settling this matter.

The parties thank the Court for its consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Frank", written over a horizontal line.

Jeffrey F. Frank

Assistant Corporation Counsel

Special Federal Litigation Division